

Crawley Borough Council

Minutes of Licensing Committee

Monday, 12 June 2023 at 7.00 pm

Councillors Present:

I Ashraf (Chair)

Z Ali (Vice-Chair)

M L Ayling, T G Belben, B J Burgess, D Crow, I T Irvine, K L Jaggard, M G Jones, K Khan, Y Khan, K McCarthy, A Nawaz and B Noyce

Officers Present:

Georgina Bouette	Head of Community Services
Dan Carberry	Public Protection and Enforcement Manager
Chris Pedlow	Democracy & Data Manager
Kareen Plympton	Team Leader - Health, Safety and Licensing
Jess Tamplin	Democratic Services Officer
Astrid Williams	Senior Lawyer (Solicitor)

Apologies for Absence:

Councillor D M Peck

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 7 February 2023 were approved as a correct record and signed by the Chair.

3. Public Question Time

There were no questions from members of the public.

4. Revisions to the Constitution: Licensing Committee Functions

The Committee considered report [HCS/062 / LDS/204](#) of the Head of Community Services and Head of Governance, People & Performance, as set out in the supplementary agenda. The Democracy & Data Manager introduced the report,

which summarised a number of proposed changes to the functions of the Licensing Committee set out in the Council's Constitution, which aimed to clarify and streamline the decision-making process. [Appendix A](#) to the report provided detail on each of the proposed additions, amendments, or deletions.

The Committee then considered the item. A Committee member requested further detail about the proposed changes and their reasons. Officers explained that an audit had identified an administrative conflict between the Licensing Committee's functions and the officers' Scheme of Delegation for decision-making, which, if left in place, could cause unnecessary delays to the work of the Licensing team (e.g. the processing and determining of new applications).

A concern was raised about the removal of some of the Licensing Committee's responsibilities. In response, officers confirmed that the Council (as Licensing authority) would still carry out its functions, but these would instead be the responsibility of officers. The functions were uncontentious operational decisions where no representations had been received and/or where decisions were required within a specific time period and which were not considered to be significant enough for the Committee's consideration, so would be an unnecessary burden on its workload. The Committee was assured that it would retain control of some functions, e.g. the review of fees and charges, if any representations or objections were received.

It was agreed that the Committee was generally in favour of the proposed changes and that it was sensible to ensure a consistent approach. It was noted that the views raised as part of the discussion were to be passed to the Governance Committee for its consideration.

RESOLVED

That the Licensing Committee expresses its support for the proposed revisions to the Licensing Committee Functions (as per Appendix A to report HCS/062 / LDS/204).

5. Introduction of a Mobile Homes (Caravan Site) Licensing & Fees Policy

The Committee considered report [HCS/059](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which sought the approval of a new Policy for caravan sites. The Policy aimed to implement a structured approach that complied with Regulations, increased transparency, and ensured suitable fees were in place.

The Committee then discussed the matter. The following points were raised:

- A Committee member asked for detail of the sources which had informed the Policy. It was heard that it was influenced by Government guidance, legislation and regulations, private sector housing living standards, and through collaboration with other local authorities in a pan-Sussex group.
- Officers confirmed that there were currently no licensed caravan sites within the borough, but four potential sites had been identified and investigations were continuing. The Council would work with the communities at those sites to inform them of the upcoming Policy implementation and potential licensing implications. An Equality Impact Assessment had been undertaken.
- Clarification was sought about how a site was defined. It was explained that each site would be judged on its merits as to whether it fell within the Regulations and Policy. Certain sites may be exempt from requiring a licence,

such as those owned by members of the Caravan Club, as the organisation implements its own screening process.

- Queries were raised regarding the impact of the Policy on Gypsy, Roma and Traveller communities. It was explained that the Policy was not specifically focused on this area, but did provide some clarity – for example these communities may be exempt from some aspects of the legislation and Policy (such as fee paying).
- The Committee discussed the relationship between the licensing of caravan sites and their granting of planning permission. Any site would require planning permission before being granted a licence, and issues such as tree preservation and site access would be controlled by planning conditions.
- In response to a query, officers explained that an application for a site would not be valid until a new licence fee was paid. The Policy allowed the Council to take enforcement action where appropriate.

The Committee expressed general support for the implementation of the Policy and conveyed its thanks to officers.

RESOLVED

That the Committee:

- a) Notes the statutory powers local authorities have under the Regulations.
- b) Adopts the proposed Mobile Homes (Caravan Site) Licensing and Fees Policy as set out within Appendix A to report HCS/059.
- c) Endorses and delegates authority to the Head of Community Services for the amendment of the calculation of fees in response to any surplus or deficit, and the making of minor amendments to the Policy, once adopted, to reflect changes in legislation or guidance and codes of practice where a full review of the policy is not warranted and that this be reflected in the Head of Service sub-delegation scheme.

6. Revision of Licence Conditions and Hackney Carriage and Private Hire Licensing Policy

The Committee considered report [HCS/060](#) of the Head of Community Services. The Health, Safety and Licensing Team Leader presented the report, which sought approval for several variations to the Hackney Carriage and Private Hire Licensing Policy. The proposed amendments aimed to strengthen the requirements set out in the existing Policy, which in turn were proposed to further improve public safety. The Committee heard a summary of the proposed changes, which included:

- Further detail regarding the use of the NR3S Register;
- New requirements relating to HMRC tax code checks for licensed drivers;
- Amendments to the maximum number of penalty points allowed on a licence;
- Clarification of licence conditions and licensee self-reporting scenarios;
- A new requirement for licensed individuals to keep their knowledge of the Policy up-to-date.

The Committee then discussed the matter and the following comments were made:

- Clarity was sought over the minimum age for a person to apply to become a licensed driver. It was explained that there was no minimum age, but applicants must have held a driving licence for a minimum of 12 months to be eligible to apply.

- A query was raised as to whether the Council undertakes checks to ensure that licensed drivers and vehicles are properly insured. Officers confirmed that checks are undertaken regularly and those without sufficient insurance may be subject to a suspension of their licence.
- Officers were asked whether the Policy is circulated to licensed drivers as and when changes are made. It was confirmed that significant changes are communicated (including those changes currently before the Committee), but that in general, it was the responsibility of each individual licensee to ensure they regularly read and comply with the Policy.

The Committee discussed in detail the proposed addition to the Policy that any person applying to become a licensed driver should have no more than three DVLA penalty points on their driving licence. Views were expressed both for and against the proposal.

Committee members against the three-point maximum were of the view that the threshold was too low and would preclude local people from applying for a licence. A balance needed to be sought between ensuring public safety and ensuring applicants had the opportunity to join the trade to serve the town's residents. Neighbouring local authorities had varying practices, with some requiring zero points and others implementing maximums higher than three points; under the law those drivers were able to operate in Crawley under these looser restrictions so it seemed unfair to penalise applicants from Crawley with the same credentials. Furthermore, Metrobus bus driver applicants tended to be allowed a maximum of six points. Aligning the Policy with those of nearby authorities should be considered – it was proposed to compare with Transport for London's Policy.

Committee members in favour of the three-point maximum were of the view that the main aim of the Policy was to facilitate public safety – applicants with more than three penalty points may have a history of dangerous driving, which could mean they are not a fit and proper person and therefore may pose a risk to the travelling public. If caught speeding, drivers could sometimes undertake a Speed Awareness Course in lieu of receiving three points, and any penalty points received were removed from a licence after four years. Licensed drivers were professionals and the standard to which new applicants were held should not be lowered, so it was felt that the proposed three-point threshold should not be increased.

Officers clarified several matters during the discussion:

- That three points were generally given for one lower-end offence, for example speeding, an insurance breach, or running a red light (but penalties varied significantly depending on the case in question).
- That licensees were required to notify the Council of any penalty points within 48 hours of being issued.
- That those with more than 3 points would not be precluded from applying for a licence, and that each application was considered on its individual merits. It would be for an applicant to demonstrate why they fell outside of the Policy.
- That this matter was not covered in the existing Policy as it did not specify a maximum number of points for new applicants. The Policy currently set out that existing licensees were to have their licence considered by the Head of Community Services if they received seven points or more. If the proposed changes were approved, this system would remain in place, with the addition of the three-point rule for new applicants only.
- That, having briefly researched TfL's Policy following requests from Committee members, it was unclear about the maximum number of penalty points, so it was not possible to make comparisons.

- That neighbouring authorities implemented various maximums between zero and six points.

The following amendment to the wording of the proposed additional paragraph of Appendix L of the Hackney Carriage and Private Hire Licensing Policy was moved by Councillor Ali and seconded by Councillor Nawaz:

A new application will not normally be considered or granted if the individual has more than ~~3~~ 6 DVLA Penalty Points endorsed on their licence until such time as the matter is removed from a licence. (This includes any Penalty Points, banning period or other sanction.)

A vote was taken and the amendment fell.

The Committee then moved to a vote on the original recommendations as printed in the report.

RESOLVED

That the Committee approves the amended wording and conditions of the Hackney Carriage and Private Hire Licensing Policy, as detailed in report HCS/060.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.54 pm

I Ashraf (Chair)